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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION  
14

15 CRAIGSLIST, INC., a Delaware corporation,

16 Plaintiff,

17 v.

18 3TAPS, INC., a Delaware corporation;  
19 PADMAPPER, INC., a Delaware  
20 corporation; DISCOVER HOME  
21 NETWORK, INC., a Delaware corporation  
22 d/b/a LOVELY; HARD YAKA, INC., a  
23 Delaware corporation; BRIAN R. NIESSEN,  
24 an individual; ROBERT G. KIDD, an  
25 individual; and Does 1 through 25, inclusive,

26 Defendants.  
27  
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CASE NO. CV 12-03816 CRB

**DECLARATION OF JENNIFER L. BARRY  
IN SUPPORT OF PLAINTIFF CRAIGSLIST,  
INC.'S CONSOLIDATED REPLY IN  
SUPPORT OF MOTION FOR LEAVE TO  
FILE THIRD AMENDED COMPLAINT**

Hearing Date: June 12, 2015

Time: 10:00 a.m.

Courtroom: 6

Judge: Hon. Charles Breyer

**DECLARATION OF JENNIFER L. BARRY**

I, Jennifer L. Barry, declare as follows:

1. I am an attorney at law duly admitted to practice in the State of California, and a partner in the law firm of Latham & Watkins LLP, attorneys of record for Plaintiff craigslist, Inc. (“craigslist”) in this action. I have personal knowledge of the facts contained herein and, if called upon to do so, I could and would testify competently thereto. I submit this declaration in support of craigslist’s Consolidated Reply in Support of Motion for Leave to File Third Amended Complaint.

2. On March 17, 2015, counsel for 3taps, Inc., Robert G. Kidd and Hard Yaka, Inc. (the “3taps Defendants”) called counsel for craigslist requesting, for the first time, that craigslist stipulate to the 3taps Defendants’ filing of a Second Amended Answer.

3. Following a discovery hearing on March 19, at a meet and confer among counsel about unrelated discovery issues, counsel briefly discussed whether craigslist would so stipulate. At that time, I stated that craigslist might also move to amend its complaint, but first needed to conduct additional discovery and to determine the scope of its proposed amendments. I suggested a global stipulation regarding the 3taps Defendants’ and craigslist’s proposed amendments once craigslist determined how it intended to amend its complaint. The 3taps Defendants declined to stipulate and filed their motion for leave to file an amended answer, which craigslist did not oppose. This was the extent of the discussion among counsel on March 19, 2015.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 21, 2015 at San Diego, California.




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Jennifer L. Barry